

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
No. 5:17-cv-229-FL

LINWOOD DAVIS,
Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,
Defendant.

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CONSENT ORDER

Pursuant to the power of this Court to award attorney fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412, and in light of this Court's judgment and order dated September 26, 2018, remanding this case to the Agency for further proceedings, and further that plaintiff, in the attached fee agreement, has assigned any attorney fee owed to be under the EAJA to her attorney and authorized plaintiff's attorney to endorse any government check for attorney fees paid to plaintiff under EAJA,

IT IS THEREFORE ORDERED that the United States Social Security Administration agrees to pay attorney fees in the amount of SIX THOUSAND SIX HUNDRED ONE AND 10/100 DOLLARS (\$6,601.10), in full satisfaction of any and all attorney fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

Further, pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney fees are payable to plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt plaintiff may owe to the United States government. If, after the entry of this Order, the Commissioner determines that plaintiff owes no debt to the United States that would subject this award of attorney fees to offset, the Commissioner may honor the plaintiff's assignment of EAJA fees providing for payment of the subject fees to plaintiff's counsel, rather than to plaintiff. If, however, the Commissioner discovers that plaintiff owes the United States any debt subject to offset, the Commissioner will pay any attorney fees remaining after such offset to plaintiff, rather than to counsel.

This 9th day of January, 2019.

A handwritten signature in black ink, reading "David W. Elmer". The signature is written in a cursive, flowing style. The first name "David" is prominent, followed by "W." and "Elmer".

United States District Judge